

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
SCOT ALLAN BEANE,
Defendant.

Case No. 08-cr-00260-PJH-1

**ORDER SETTING BRIEFING
SCHEDULE ON MOTION FOR ORDER
TO APPLY FUNDS TO PAYMENT OF
RESTITUTION**

Re: Dkt. No. 45

The government has filed a motion for an order to apply funds held by the Federal Bureau of Investigation to payment of the restitution judgment entered against defendant Scot Allan Beane on December 3, 2008. Dkt. no. 45. Defendant is not represented for purposes of responding to the government's motion, but is currently represented by the Federal Public Defender's Office ("FPD") only for the limited purpose of seeking habeas relief under *Johnson v. United States*, 135 S. Ct. 2551 (2015), pursuant to the court's Miscellaneous Order 2015.11.17. The FPD is hereby instructed to notify the court whether it will represent defendant in responding to the government's motion, or enter a notice of non-intervention, by **October 12, 2016**.

If the FPD does not represent defendant in responding to the government's motion, defendant may file a pro se response to the government's motion by **October 26, 2016**. The government may file a reply 14 days after a response is filed, at which time the matter will be deemed submitted on the papers.

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1 The government is instructed to serve a copy of its motion and this scheduling
2 order on defendant. The motion hearing noticed for October 12, 2016 is hereby
3 **VACATED.**

4 **IT IS SO ORDERED.**

5 Dated: September 27, 2016



PHYLLIS J. HAMILTON
United States District Judge

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